

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:13-27680 Lorna Lobrin Andal**

**Chapter 13**

**#1.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOCIATION  
vs  
DEBTOR

Docket 175

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 181).**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lorna Lobrin Andal

Represented By  
Matthew D Resnik  
S Renee Sawyer Blume

**Movant(s):**

U.S. Bank National Association

Represented By  
Gagan G Vaideeswaran  
Andrew Kussmaul  
Matthew R. Clark  
Robert P Zahradka

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar

Tuesday, April 04, 2017

Hearing Room 1545

10:00 AM

2:14-14176 Loretta Jordan

Chapter 13

#2.00 **[CASE DISMISSED ON 3/13/17]**

Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST  
vs  
DEBTOR

Docket 37

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Loretta Jordan**

**Chapter 13**

**Debtor(s):**

Loretta Jordan

Represented By  
Matthew D Resnik

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Erin M McCartney

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-16723 Sandra Ellen Park and John Kimberly Cobb**

**Chapter 13**

**#3.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 35

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on  
03/14/2017 (dkt. 37)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Ellen Park

Represented By  
William G Cort

**Joint Debtor(s):**

John Kimberly Cobb

Represented By  
William G Cort

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-16841 Pablo Mauricio Montalvo and Hortencia Guerrero**

**Chapter 13**

**#4.00** Hrg re: Motion for relief from stay [RP]

HSBC BANK USA, NATIONAL ASSOC  
vs  
DEBTOR

Docket 50

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pablo Mauricio Montalvo

Represented By  
Richard W Snyder

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Pablo Mauricio Montalvo and Hortencia Guerrero**

**Chapter 13**

**Joint Debtor(s):**

Hortencia Guerrero

Represented By  
Richard W Snyder

**Movant(s):**

HSBC Bank USA, National

Represented By  
Leslie M Klott  
Matthew R. Clark

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-22196 Frank Bravo and Sandra Navia**

**Chapter 13**

**#5.00** Hrg re: Motion for relief from stay [RP]

EATON CREST OWNERS' ASSOCIATION, INC  
vs  
DEBTOR

Docket 41

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Frank Bravo

Represented By  
Kelly F Ryan

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Frank Bravo and Sandra Navia**

**Chapter 13**

**Joint Debtor(s):**

Sandra Navia

Represented By  
Kelly F Ryan

**Movant(s):**

Eaton Crest Owners' Association,

Represented By  
Scott H Noskin

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-27252 Wajida Alhambra**

**Chapter 13**

**#6.00** Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK  
vs  
DEBTOR

Docket 40

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 43).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wajida Alhambra

Represented By  
Anthony Obehi Egbase

**Movant(s):**

WELLS FARGO BANK, N.A.

Represented By  
Dane W Exnowski

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-32263 Lynnella Hart**

**Chapter 13**

**#7.00** Hrg re: Motion for relief from stay [RP]

JP MORGAN CHASE BANK, NATIONAL ASSOC  
vs  
DEBTOR

Docket 28

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lynnella Hart

Represented By  
Kirk Brennan

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Lynnella Hart**

**Chapter 13**

**Movant(s):**

JPMORGAN CHASE BANK,

Represented By  
Joseph C Delmotte

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-33751 Yvonne M Calloway**

**Chapter 13**

**#8.00** Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, NA  
vs  
DEBTOR

Docket 34

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yvonne M Calloway

Represented By  
John Asuncion

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Yvonne M Calloway**

**Chapter 13**

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Brandy N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:15-16410 Eriza Sixtos**

**Chapter 13**

**#9.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 45

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Eriza Sixtos

Represented By  
William G Cort

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Eriza Sixtos**

**Chapter 13**

**Movant(s):**

U.S BANK NATIONAL

Represented By  
April Harriott  
Matthew R. Clark

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:15-25547 Juan M Velasco and Roxana B Velasco**

**Chapter 13**

**#10.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 28

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Juan M Velasco

Represented By  
Robert L Williams



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Juan M Velasco and Roxana B Velasco**

**Chapter 13**

**Joint Debtor(s):**

Roxana B Velasco

Represented By  
Robert L Williams

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Daniel K Fujimoto  
Caren J Castle

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-16802 Joel Daniel Cruz**

**Chapter 13**

**#11.00** Hrg re: Motion for relief from stay [RP]

BROKER SOLUTIONS, INC.  
vs  
DEBTOR

Docket 60

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joel Daniel Cruz

Represented By  
Erika Luna

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Joel Daniel Cruz**

**Chapter 13**

**Movant(s):**

Broker Solutions, Inc. dba New

Represented By  
Robert P Zahradka

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-19803 Ann Marie Esposito**

**Chapter 13**

**#12.00** Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, NA  
vs  
DEBTOR

Docket 34

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 36).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ann Marie Esposito

Represented By  
Thomas B Ure

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Brandye N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-20339 Jeanne Steen**

**Chapter 13**

**#13.00** Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, NATIONAL ASSOC  
vs  
DEBTOR

Docket 27

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 29).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jeanne Steen

Represented By  
Andrew Moher

**Movant(s):**

Wells Fargo Bank, National

Represented By  
April Harriott  
Sean C Ferry  
Matthew R. Clark

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-21902 Jose Alberto Ramos and Vanessa Ramos**

**Chapter 13**

**#14.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 36

**Tentative Ruling:**

Grant the motion as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

**I. Tentative findings of fact:**

(A) In violation of the loan documents, an interest in the subject property purportedly was transferred to the debtor, either individually or as trustee of a purported trust.

(B) The transfer was part of a scheme to delay or hinder movant's remedies against the property by implicating the automatic stay of 11 U.S.C. 362(a) in the debtor's bankruptcy case.

(C) This court does not find that the debtor was part of any such scheme (*i.e.*, based on the record before this court it appears that this may be a so-called "hijacked" or "dumping" case in which a third party seeks to implicate the automatic stay for their own benefit, *without* the debtor's participation or acquiescence, by transferring property into a random bankruptcy estate, or by back-dating or falsifying a grant deed to make it appear that such a transfer occurred).

**II. Tentative conclusions of law:**

(A) This court has *in rem* jurisdiction over the property, because the purported transfer either (1) was effective to transfer legal title to the property or alternatively (2) transferred either an equitable interest or an option to the bankruptcy estate.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT...**

**Jose Alberto Ramos and Vanessa Ramos**

**Chapter 13**

(B) The automatic stay, if it applies, is terminated pursuant to 11 U.S.C. 362(d)(1) and (d)(4), and 1301(c).

(C) *In rem* relief: Pursuant to the legal analysis of *In re 4th St. E. Investors, Inc.*, 474 B.R. 709 (Bankr. C.D. Cal. 2012), if this order is duly recorded in compliance with applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by the property or (ii) the purchaser at a foreclosure sale (or a successor in interest who stands in the shoes of such persons); (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(D) All other *in rem* relief is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of court authority and/or lack of sufficient cause shown.

(E) The 14 day stay under FRBP 4001(a)(3) is waived.

(F) Nothing in the foregoing disposition should be interpreted to support the application of 11 U.S.C. 109(g)(2) in the event of any future dismissal of this bankruptcy case. *See generally In re Leafly*, 479 B.R. 545, 550 (9th Cir. BAP 2012); *In re Payton*, 481 B.R. 460 (Bankr. N.D. Ill. 2012).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Jose Alberto Ramos and Vanessa Ramos**

**Chapter 13**

**Debtor(s):**

Jose Alberto Ramos

Represented By  
Claudia C Osuna

**Joint Debtor(s):**

Vanessa Ramos

Represented By  
Claudia C Osuna

**Movant(s):**

U.S. Bank National Association

Represented By  
Brandy N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-25773 Leoloataua Aau Daugherty**

**Chapter 13**

**#15.00** Hrg re: Motion for relief from stay [RP]

NATIONSTAR MORTGGE, LLC  
vs  
DEBTOR

Docket 33

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Leoloataua Aau Daugherty

Represented By  
Ali R Nader

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Leoloataua Aau Daugherty**

**Chapter 13**

**Movant(s):**

Nationstar Mortgage LLC as

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-26821 Beatriz Avila Arce**

**Chapter 7**

**#16.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 23

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Beatriz Avila Arce**

**Chapter 7**

possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Beatriz Avila Arce

Pro Se

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Robert P Zahradka

**Trustee(s):**

John J Menchaca (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-10019 Summer Joy Lake**

**Chapter 7**

**#17.00** Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 38

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii)

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Summer Joy Lake**

**Chapter 7**

the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Summer Joy Lake

Pro Se

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Robert P Zahradka

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-10834 Max Mendoza**

**Chapter 13**

**#18.00** Hrg re: Motion for relief from stay [RP]

TROJAN CAPITAL INVESTMENTS, LLC  
vs  
DEBTOR

Docket 24

**Tentative Ruling:**

Grant the motion as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

**I. Tentative findings of fact:**

(A) In violation of the loan documents, an interest in the subject property purportedly was transferred to the debtor, either individually or as trustee of a purported trust.

(B) The transfer was part of a scheme to delay or hinder movant's remedies against the property by implicating the automatic stay of 11 U.S.C. 362(a) in the debtor's bankruptcy case.

(C) This court does not find that the debtor was part of any such scheme (*i.e.*, based on the record before this court it appears that this may be a so-called "hijacked" or "dumping" case in which a third party seeks to implicate the automatic stay for their own benefit, *without* the debtor's participation or acquiescence, by transferring property into a random bankruptcy estate, or by back-dating or falsifying a grant deed to make it appear that such a transfer occurred).

**II. Tentative conclusions of law:**

(A) This court has *in rem* jurisdiction over the property, because the purported transfer either (1) was effective to transfer legal title to the property or alternatively (2) transferred either an equitable interest or an option to the bankruptcy estate.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT...**

**Max Mendoza**

**Chapter 13**

(B) The automatic stay, if it applies, is terminated pursuant to 11 U.S.C. 362(d)(1) and (d)(4), and 1301(c).

(C) *In rem* relief: Pursuant to the legal analysis of *In re 4th St. E. Investors, Inc.*, 474 B.R. 709 (Bankr. C.D. Cal. 2012), if this order is duly recorded in compliance with applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by the property or (ii) the purchaser at a foreclosure sale (or a successor in interest who stands in the shoes of such persons); (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(D) All other *in rem* relief is denied (e.g., any request to grant relief against third parties *without* any notice is denied) due to lack of court authority and/or lack of sufficient cause shown.

(E) Retroactive relief: grant the request for retroactive annulment of the stay.

(F) The 14 day stay under FRBP 4001(a)(3) is waived.

(G) Nothing in the foregoing disposition should be interpreted to support the application of 11 U.S.C. 109(g)(2) in the event of any future dismissal of this bankruptcy case. *See generally In re Lefty*, 479 B.R. 545, 550 (9th Cir. BAP 2012); *In re Payton*, 481 B.R. 460 (Bankr. N.D. Ill. 2012).

(H) Evidence: this court notes that the declaration attached to the motion is incomplete and/or contains changes to the mandatory form (which are hereby treated as a request to amend the form per LBR 9009-1). This court makes no determination whether such omissions/changes would withstand an evidentiary objection. Nevertheless, this court has considered



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Max Mendoza**

**Chapter 13**

the key documents because (a) there are no evidentiary objections and/or (b) those documents appear to be admissible on other grounds. In future the movant's failure to complete the form properly may result in denial of the motion sua sponte.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Max Mendoza

Pro Se

**Movant(s):**

Trojan Capital Investments, LLC

Represented By  
Carol G Unruh

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-11390 Devin Mathew Cooper**

**Chapter 13**

**#19.00 [CASE DISMISSED ON 3/3/17]**

Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, N.A.

vs

DEBTOR

Docket 13

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to multiple cases. Grant the motion under 11 U.S.C. 362(c)(3) and (j): there is no automatic stay because (a) the debtor's prior case (#2:16-bk-10357-NB) was dismissed (on 2/14/17) within one year of the filing of this case (on 2/6/17), (b) that dismissal was not under 11 U.S.C. 707(b), and (c) no finding of good faith was timely sought and obtained. The automatic stay has terminated both as to the debtor *in personam* and as to property of the debtor. See *In re Hernandez & Jiminez*, Case No. 2:11-bk-53730-NB, Dkt 40.

(2) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(3) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Devin Mathew Cooper**

**Chapter 13**

U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(4) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(5) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Devin Mathew Cooper

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Devin Mathew Cooper**

**Chapter 13**

**Movant(s):**

WELLS FARGO BANK, N. A.

Represented By  
Dane W Exnowski

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-11490 Silvia Caldera**

**Chapter 13**

**#20.00** Hrg re: Motion for relief from stay [RP]

JTF ROSE INC.  
vs  
DEBTOR

Docket 18

**Tentative Ruling:**

Please see the tentative ruling for matter no. 21 on the court's 10:00 a.m.  
4/4/17 calendar.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Silvia Caldera

Represented By  
Onyinye N Anyama

**Movant(s):**

JTF Rose Inc., a California

Represented By  
Michelle R Ghidotti

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-11490 Silvia Caldera**

**Chapter 13**

**#21.00** Hrg re: Motion for an Order to Show Cause Re Contempt for JTF Rose Inc.'s and Assured Lender Services, Inc.'s Willful Violation of the Automatic Stay; for Actual Damages, Attorney Fees and Costs, Compensatory Damages and Punitive Damages

Docket 16

**Tentative Ruling:**

Grant in part and deny in part the creditor's motion for relief from the automatic stay, and deny the debtor's motion for contempt, all as set forth below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge proposed orders via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

The tentative ruling is to deny the debtor's motion for contempt (dkt. 16) and to grant partial relief on the foreclosing creditor's motion for relief from the automatic stay (dkt. 18) so as to require the debtor to file a motion to sell the subject property no later than May 29, 2017 and complete the sale no later than July 31, 2017, failing which the stay would be retroactively annulled and prospectively terminated under 11 U.S.C. 362(d)(1) and (4), all for the following reasons.

First, in determining whether to grant relief from the automatic stay prospectively or retroactively, and what sort of relief to grant, the bankruptcy court has broad discretion and must consider equitable principles. See *generally, In re Fjeldsted*, 293 B.R. 12 (9th Cir. BAP 2003). Second, there was not supposed to be any automatic stay applicable to the property because an "in rem" order had already been issued in a prior case (see Exhibit E to the opposition, dkt. 22, at PDF pp. 50-56) and by its terms that order was supposed to grant relief in any case purporting to affect the subject property, including the present case. It is true that the order was not recorded until February 16, 2017, which is after this latest bankruptcy case was filed

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Silvia Caldera**

**Chapter 13**

(on February 7, 2017) so the recording of that order is a void act (unless this court were to annul the stay retroactively); but by its terms the order (which tracks 11 U.S.C. 362(d)(4)) was supposed to be effective as to any case filed within two years after "the date of entry of this order" on the docket, even if the order is not recorded until later. It would be inequitable to hold this creditor in contempt of court for violating the automatic stay by recording that order after the filing of yet another bankruptcy case when the whole point of "in rem" relief is to permit a creditor to proceed regardless of additional bankruptcies. Third, although the debtor could seek relief from the "in rem" order due to changed circumstances or for good cause shown, and although the debtor does allege changed circumstances (more income) and has proposed a chapter 13 plan that proposes to pay the creditor over time (without interest), nevertheless that would impose yet more risks and delays on this creditor after the debtor and her husband have obtained more than a year of delay since the filing of his first bankruptcy petition on February 10, 2016 (dkt. 22, p.2:11-13), and over one and a half years since they defaulted on their loan payments (*id.*, p.3:19-21). In addition, the debtor has not disputed that this creditor has had to advance substantial funds to the holder of the first deed of trust (*id.*).

It is true that, focusing on the alleged notice of this bankruptcy case, the creditor has not denied that the facsimile number allegedly used by the debtor to give notice was a correct number, and the debtor has pointed out that the address it used for service was a registered address, but the creditor has submitted two declarations that it did not in fact have actual notice of this latest bankruptcy filing (perhaps because it moved addresses without updating its public address information and/or facsimile number) so even if the creditor has been less diligent than it should have been it has not been shown (on this record) to have had actual notice of the bankruptcy case before the acts that allegedly violated the stay, nor to have engaged in a "willful" violation of the automatic stay as that term has been interpreted by the relevant cases. In addition, the debtor did not effect service in accordance with Rule 7004 (Fed. R. Bankr. P.) and the debtor has not denied the creditor's allegations that the debtor knew of a better address; nor has the debtor alleged other attempts to contact the creditor and the foreclosing trustee such as telephone calls to verify that the facsimile was received.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Silvia Caldera**

**Chapter 13**

This court also takes into account the interests of other creditors: the debtor alleges that there is over \$111,000 in equity in the property (dkt. 21, p.2, para. 3.c.(4)), but she also proposes a chapter 13 plan that would pay unsecured creditors only 1% (dkt. 2, p.2). Although the third party purchaser will lose the benefit of the sale, due to this bankruptcy case and the disposition of the property contemplated by this tentative ruling, that is one of the risks of purchasing properties in foreclosure.

Balancing all of these things, and the other facts and circumstances asserted by the parties and reflected by the records of this court, this tentative ruling appears to be the most appropriate disposition.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Silvia Caldera

Represented By  
Onyinye N Anyama

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-11713 Yoo Kyung Kim**

**Chapter 13**

**#22.00** Hrg re: Motion for relief from stay [RP]

HANMI BANK  
vs  
DEBTOR

Docket 27

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii)

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Yoo Kyung Kim**

**Chapter 13**

the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief)

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yoo Kyung Kim

Represented By  
S Renee Sawyer Blume

**Movant(s):**

Hanmi Bank

Represented By  
William W Kim

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-11717 Nima Hemmati**

**Chapter 13**

**#23.00 [CASE DISMISSED ON 2/28/17]**

Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 9

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Nima Hemmati**

**Chapter 13**

to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See *generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nima Hemmati

Pro Se

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-11858 Craig Collins**

**Chapter 13**

**#24.00 [CASE DISMISSED ON 3/21/17]**

Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, NA  
vs  
DEBTOR

Docket 14

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Craig Collins**

**Chapter 13**

order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See *generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Craig Collins

Pro Se

**Movant(s):**

Wells Fargo Bank, N.A., as Trustee

Represented By  
Joseph C Delmotte

Wells Fargo Bank, N.A., as Trustee

Represented By  
Joseph C Delmotte

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-29670 Vicente Toscano and Beatriz Toscano**

**Chapter 13**

**#25.00** Hrg re: Motion for relief from stay [PP]

TOYOTA MOTOR CREDIT CORPORATION  
vs  
DEBTOR

Docket 56

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtors' response, dkt. 58).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vicente Toscano

Represented By  
Leonard Pena

**Joint Debtor(s):**

Beatriz Toscano

Represented By  
Leonard Pena

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Tyneia Merritt

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-26019 Salvador Garcia and Ana Maria Garcia**

**Chapter 7**

**#26.00** Hrg re: Motion for relief from stay [PP]

WESCOM CREDIT UNION  
vs  
DEBTOR

Docket 13

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Salvador Garcia

Represented By  
Alla Tenina



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Salvador Garcia and Ana Maria Garcia**

**Chapter 7**

**Joint Debtor(s):**

Ana Maria Garcia

Represented By  
Alla Tenina

**Movant(s):**

Wescom Credit Union

Represented By  
Karel G Rocha

**Trustee(s):**

Edward M Wolkowitz (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar

Tuesday, April 04, 2017

Hearing Room 1545

10:00 AM

2:17-10761 Ricardo Rivas

Chapter 13

#27.00 Hrg re: Motion for relief from stay [PP]

BMO HARRIS BANK N.A.  
vs  
DEBTOR

Docket 20

\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' stipulation resolving this motion (dkt. 23).

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ricardo Rivas

Represented By  
Ramiro Flores Munoz

**Movant(s):**

BMO HARRIS BANK N.A.

Represented By  
Raffi Khatchadourian

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-12099 Myong Han**

**Chapter 7**

**#28.00** Hrg re: Motion for relief from stay [UD]

MYONG HAN  
vs  
DEBTOR

Docket 9

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Myong Han

Represented By  
Young K Chang  
Helen G Long

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Myong Han**

**Chapter 7**

**Movant(s):**

Myong Han

Represented By  
Young K Chang  
Helen G Long

**Trustee(s):**

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-12132 Rosa Robles**

**Chapter 13**

**#29.00** Hrg re: Motion for relief from stay [UD]

A & J GLOBAL  
vs  
DEBTOR

Docket 7

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on  
03/31/17 (dkt. 13)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosa Robles

Pro Se

**Movant(s):**

A & J GLOBAL

Represented By  
Paul E Gold

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-12996 Lisa Sharae Haney**

**Chapter 13**

**#30.00** Hrg re: Motion for relief from stay with [UD]

JMANDOSER, INC.  
vs  
DEBTOR

Docket 11

**Tentative Ruling:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Existence of stay. Deny motion insofar as it requests an order confirming that the automatic stay does not apply at all, because the movant has not established that the stay has automatically terminated or that an exception to the stay applies (e.g., under 11 U.S.C. 362(c) or (b)(22) and (l)).

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Retroactive relief. Deny the request for retroactive annulment of the stay because Judge Bason is not prepared to issue a blanket annulment with respect to whatever unspecified things might have occurred postpetition.

(4) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Lisa Sharae Haney**

**Chapter 13**

laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(5) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lisa Sharae Haney

Pro Se

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-12607 Carl Renay Hatcher**

**Chapter 13**

**#31.00** Hrg re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic  
Stay as the Court Deems Appropriate

Docket 17

**Tentative Ruling:**

Grant, subject to the following conditions. Appearances are not required.

After the hearing date this court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this court provides the foregoing simple process for reconsideration.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Carl Renay Hatcher**

**Chapter 13**

**Debtor(s):**

Carl Renay Hatcher

Represented By  
William G Cort

**Movant(s):**

Carl Renay Hatcher

Represented By  
William G Cort

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-12993 Felicia Irene Holland**

**Chapter 13**

**#32.00** Hrg re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic  
Stay as the Court Deems Appropriate

Docket 11

**Tentative Ruling:**

Grant, subject to the following conditions. Appearances are not required.

After the hearing date this court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this court provides the foregoing simple process for reconsideration.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Felicia Irene Holland**

**Chapter 13**

**Debtor(s):**

Felicia Irene Holland

Represented By  
Scott Kosner

**Movant(s):**

Felicia Irene Holland

Represented By  
Scott Kosner

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-13010 Joe Alan Myers and Wendi Lin Myers**

**Chapter 13**

**#33.00** Hrg re: Motion in Individual Case for Order  
Imposing a Stay or Continuing the Automatic  
Stay as the Court Deems Appropriate

Docket 8

**Tentative Ruling:**

**Revised Tentative Ruling for 4/4/17:**

Appearances required.

The tentative ruling is to deny the motion for the reasons set forth in the opposition papers filed by Wheels Financial Group, LLC (dkt. 16-18) and Wilmington Savings Fund Society, FSB (dkt. 20), notwithstanding the arguments in the debtors' reply papers (dkt. 19, 22).

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

*Analysis:*

The debtors have not met their burden to show by clear and convincing evidence that this fifth bankruptcy case has been filed in good faith so as to overcome the contrary statutory presumption pursuant to 11 U.S.C. 362(c)(3) (C)(i)(II)(cc) (failure to perform terms of confirmed plan) and (C)(i)(III) (lack of substantial change in financial or personal affairs or other reason to conclude that case will be concluded with a confirmed plan that will be fully performed).

Despite the debtors' apparently Herculean efforts (three jobs for one debtor; medical issues for his father and for the other debtor; and a substantial number of payments over the course of their repeated bankruptcies), the evidence shows that their projected income and expenses are not meaningfully better than their prior bankruptcy cases (and actually worse than some of those cases) (see dkt. 16, p.4:7-18). It is conceivable that medical issues unexpectedly caused their prior projections to be inaccurate, and it is also conceivable that now, if those medical issues have been finally and fully resolved, perhaps the debtors' current projections will be more accurate. But there is hardly any evidence to support that possibility, let

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Joe Alan Myers and Wendi Lin Myers**

**Chapter 13**

alone clear and convincing evidence.

The evidence of the father's medical condition is limited to a single partially legible page showing treatment on 9/16/16 (dkt. 8, Ex.1, at PDF p. 13) which does not explain failure to perform plans since 2012. There is an oblique reference to Mrs. Myers' unspecified medical issues (*id.*, p. 10, para. 5), and she has provided a copy of her current notary license (*id.*, Ex.3, at PDF p. 52), but that appears to have been renewed on October 7, 2016, prior to the dismissal of the debtors' most recent prior case on March 10, 2017, so even that modest change in circumstances does not appear to have arisen since the dismissal of their most recent prior case.

The bottom line is that no matter how genuinely the debtors might wish that they could repay their creditors (or at least their secured creditors), the circumstances of this fifth bankruptcy case do not reflect a realistic prospect that they can do so. Therefore the tentative ruling is that this court cannot find, by clear and convincing evidence, that this latest case has been filed in good faith, so the debtors' motion to continue the automatic stay beyond 30 days must be denied.

This court notes, however, that the debtors allege approximately \$76,000 of equity in their home (dkt. 8, p.4) (they also hope that they might qualify for a loan modification, although they say nothing about why they have not previously applied for one, or have been rejected already). In view of these things, the parties should be prepared to address whether they could agree to any consensual process that would enable the debtors to fully protect the interests of their secured creditors (including the claims against their vehicles) while exploring a sale of their residence (or perhaps a loan modification, if there is any meaningful prospect of that, with a sale as an alternative if that fails).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 4/4/17:**

This court anticipates posting a tentative ruling at a later time.

<b>Party Information</b>
--------------------------

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Joe Alan Myers and Wendi Lin Myers**

**Chapter 13**

**Debtor(s):**

Joe Alan Myers

Represented By  
Michael E Clark

**Joint Debtor(s):**

Wendi Lin Myers

Represented By  
Michael E Clark

**Movant(s):**

Wendi Lin Myers

Represented By  
Michael E Clark  
Michael E Clark

Joe Alan Myers

Represented By  
Michael E Clark  
Michael E Clark

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:12-37435 Daniel C. Weatherholt and Michele Weatherholt**

**Chapter 13**

**#34.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 02/28/17

DEUTSCHE BANK NATIONAL TRUST CO  
VS  
DEBTOR

Docket 70

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 73).**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Daniel C. Weatherholt

Represented By  
George J Paukert

**Joint Debtor(s):**

Michele Weatherholt

Represented By  
George J Paukert

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:13-10520 Gene Slafer**

**Chapter 13**

**#35.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/31/17, 02/28/17

WELLS FARGO BANK  
VS  
DEBTOR

Docket 48

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties adequate protection stipulation (dkt. 55).**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gene Slafer

Represented By  
Clifford Bordeaux

**Movant(s):**

WELLS FARGO BANK, N.A.

Represented By  
Robert P Zahradka  
Darshana Shah

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:13-15326 Sandra Sunni Germaine**

**Chapter 13**

**#36.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 9/27/16, 10/11/16, 11/8/16, 11/29/16, 12/13/16,  
1/17/17, 02/28/17

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 54

**Tentative Ruling:**

**Tentative Ruling for 4/4/17 (same as for 2/28/17, 1/17/17, 12/13/16, 11/29/16 and 11/8/16):**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

There is no tentative ruling, but the parties should be prepared to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/11/16:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the 9/27/16 hearing on the motion, this court was persuaded to continue this hearing based on the representations of the debtor's counsel regarding attempted notice to the movant, miscommunications regarding payments, and the anticipated influx of substantial funds with which to cure arrears. This court ordered the debtor to provide notice of the continued hearing via email and U.S. mail, and the filed proof of service (dkt. 57) shows both notice via

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Sandra Sunni Germaine**

**Chapter 13**

NEF and U.S. mail. There is no tentative ruling, but the parties should be prepared to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/27/16:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Sunni Germaine

Represented By  
Gaurav Datta

**Movant(s):**

U.S. Bank National Association

Represented By  
Gerald S Kim  
Marisol A Nagata

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Sandra Sunni Germaine**

**Chapter 13**

Brandye N Foreman  
Megan E Lees

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:13-17752 Sergio Ramirez**

**Chapter 13**

**#37.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/31/17, 02/28/17

WILMINGTON TRUST, NATIONAL ASSOC  
vs  
DEBTOR

Docket 53

**Tentative Ruling:**

**Tentative Ruling for 4/4/17 (same as for 2/28/17):**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the 2/28/17 hearing on the motion, this court continued the hearing at the request of the parties to provide them additional time to negotiate the terms of an adequate protection agreement. There is no tentative ruling, but the parties should be prepared to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/31/17:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 55).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Sergio Ramirez**

**Chapter 13**

**Debtor(s):**

Sergio Ramirez

Represented By  
Jeffrey B Smith

**Movant(s):**

Wilmington Trust, National

Represented By  
Robert P Zahradka  
Merdaud Jafarnia

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-12907 Ambar Rodriguez**

**Chapter 13**

**#38.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/31/17, 02/28/17

JP MORGAN CHASE BANK, NATIONAL ASSOC  
VS  
DEBTOR

Docket 40

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 45).**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ambar Rodriguez

Represented By  
Christopher J Langley  
Lynda D Marshall

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Brandye N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-19291 Tiffany Monique Thibodeaux and Charles Sean Thibodeaux**

**Chapter 13**

**#39.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 02/28/17

DEUTSCHE BANK NATIONAL TRUST CO  
VS  
DEBTOR

Docket 39

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection agreement (dkt. 43).**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tiffany Monique Thibodeaux

Represented By  
Brad Weil

**Joint Debtor(s):**

Charles Sean Thibodeaux

Represented By  
Brad Weil

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Erin M McCartney

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:14-31179 Nichole C. McGovern**

**Chapter 13**

**#40.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/13/16, 1/10/17, 02/28/17

FLAGSTAR BANK, FSB  
VS  
DEBTOR

Docket 32

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 38).**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nichole C. McGovern

Represented By  
Matthew D Resnik

**Movant(s):**

Flagstar Bank, FSB

Represented By  
Leslie M Klott  
Erin M McCartney

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:15-27346 Roberto Rodriguez and Patricia Rodriguez**

**Chapter 13**

**#41.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 12/13/16, 1/10/17, 2/7/17, 02/28/17

U.S. BANK, NATIONAL ASSOCIATION  
vs  
DEBTOR

Docket 32

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on  
3/24/17 [dkt. 38]**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Roberto Rodriguez

Represented By  
Vernon R Yancy  
Renaee Pearson

**Joint Debtor(s):**

Patricia Rodriguez

Represented By  
Vernon R Yancy

**Movant(s):**

U.S. Bank, National Association, As

Represented By  
Erin M McCartney

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-13577 Anthony Michael Foggs**

**Chapter 13**

**#42.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/31/17, 02/28/17

WELLS FARGO BANK, NA  
VS  
DEBTOR

Docket 44

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection agreement (dkt. 60).**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anthony Michael Foggs

Represented By  
Jeffrey N Wishman

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Brandye N Foreman  
DeMarcus Jones  
Teosa L Peterson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-16114 James Diamond Dolback**

**Chapter 13**

**#43.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 02/21/17, 03/21/17

WELLS FARGO BANK  
vs  
DEBTOR

Docket 29

**\*\*\* VACATED \*\*\* REASON: This court has issued its order approving  
the parties' adequate protection stipulation (dkt. 43).**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Diamond Dolback

Represented By  
Andrew Moher

**Movant(s):**

WELLS FARGO BANK, N.A.

Represented By  
Dane W Exnowski  
Bruce E Brown

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:16-18690 Kimberly Alexander**

**Chapter 13**

**#44.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 1/17/17, 2/21/17

U.S. BANK NATIONAL ASSOC  
vs  
DEBTOR

Docket 27

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the 2/21/17 hearing on the motion, this court continued the hearing on the motion at the request of the parties to allow them additional time to discuss the terms of an adequate protection agreement. There is no tentative ruling, but the parties should be prepared to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 2/21/17:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the 1/17/17 hearing on the motion, this court continued the hearing on the motion at the request of the debtor to allow the parties additional time to discuss the terms of an adequate protection agreement, and directed the debtor's counsel to provide notice of the continued hearing. This court has reviewed the case docket, and it appears no such notice was filed. There is no tentative ruling, but the debtor's counsel should be prepared to address

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Kimberly Alexander**

**Chapter 13**

whether adequate notice of this continued hearing was actually provided to the movant and its counsel, and if so, the parties should be prepared to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/17/17:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kimberly Alexander

Represented By

S Renee Sawyer Blume

**Movant(s):**

U.S. Bank National Association, as

Represented By

William F McDonald III

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Kimberly Alexander**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:15-11575 Michael Brett Palmer**

**Chapter 13**

**#45.00** Cont'd hrg re: Motion for relief from stay [RP]  
fr. 03/21/17

WELLS FARGO BANK, NA  
vs  
DEBTOR

Docket 33

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

At the prior hearing the court continued this matter at the request of the debtor to allow the parties time to negotiate the terms of an adequate protection agreement. There is no tentative ruling, but the parties should be prepared to address (a) why the debtor failed to give notice as directed by the court at the prior hearing, (b) whether the alleged arrears have been brought current, and/or (c) whether they will agree to the terms of an adequate protection order.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 3/21/17:**

Grant as provided below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Michael Brett Palmer**

**Chapter 13**

been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Brett Palmer

Represented By  
Matthew D Resnik

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Marisol A Nagata  
Corey Phuse  
Christopher Darden  
Solomon K Njiraini  
Brandy N Foreman

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**2:17-12385 Ashley Namba**

**Chapter 13**

**#46.00** Cont'd hrg re: Motion for relief from stay [UD]  
fr. 03/21/17

K FINANCIAL CORP  
vs  
DEBTOR

Docket 9

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Continue to 5/9/17 at 10:00 a.m. pursuant to the movant's request (dkt. 20). If the movant wishes to pursue *in rem* relief at that time (in addition to the relief already granted per dkt. 15), then movant will be required to provide no less than 14 days' notice of such intent to the debtor and to Mr. Ray Namba. Appearances are not required on 4/4/17.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 3/21/17:**

Grant in part and continue in part to 4/4/17 at 10:00 a.m. as set forth below. Appearances are not required on 3/21/17.

(1) Existence of stay. Deny motion insofar as it requests an order confirming that the automatic stay does not apply at all, because the movant has not established that the stay has automatically terminated or that an exception to the stay applies (e.g., under 11 U.S.C. 362(c) or (b)(22) and (l)).

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Ashley Namba**

**Chapter 13**

denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief).

As to the requested "*in rem*" relief, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (sometimes referred to in the mortgage context as the "original borrower"). Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting *in rem* relief without service on the person(s) whose interests may be most directly affected. See generally *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: Ryan Namba.

Option for interim/partial order: Movant may elect to lodge a proposed order granting the *partial* relief provided in this tentative ruling, but any such order must recite that a continued hearing has been set to consider additional relief (or, alternatively, that the movant no longer seeks additional relief and the Clerk's office is requested and directed to take the continued hearing off calendar).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ashley Namba

Pro Se

**Movant(s):**

K Financial Corp.

Represented By  
Fredric J Greenblatt

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Ashley Namba**

**Chapter 13**

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar

Tuesday, April 04, 2017

Hearing Room 1545

10:00 AM

2:17-12522 Dan Sohn

Chapter 13

#47.00 **[CASE DISMISSED ON 3/20/17]**

Cont'd hrg re: Motion for relief from stay [UD]  
fr. 03/21/17

LORRAINE ANDERSON  
vs  
DEBTOR

Docket 7

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

This court's tentative ruling is to deny the movant's request for *in rem* relief for failure to serve a copy of the moving papers on the lessee of the subject property (see this court's tentative ruling for the 3/21/17 hearing on the motion, reproduced below). Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 3/21/17:**

Grant in part and continue in part to 4/4/17 at 10:00 a.m. as set forth below. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT...**

**Dan Sohn**

**Chapter 13**

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Relief applicable to future bankruptcy cases ("in rem" relief).

As to the requested "*in rem*" relief, continue the motion to the date and time set forth at the start of this tentative ruling, for service on the persons who executed the documents through which the movant asserts its interest in the property (sometimes referred to in the mortgage context as the "original borrower"). Reasons: See LBR 4001-1(c)(1)(B). In addition, Judge Bason has due process concerns about granting *in rem* relief without service on the person(s) whose interests may be most directly affected. See *generally Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (due process generally). In this matter, such persons appear to include: the lessee, Steve Yong Kim.

Option for shortened time: This court has selected a continued hearing date that contemplates shortened notice (per Rule 9006) but that date is conditioned on the movant serving all papers on *the day after the current hearing date*. Alternatively, the movant may self-calendar a continued hearing on *regular* notice.

Option for interim/partial order: Movant may elect to lodge a proposed order granting the *partial* relief provided in this tentative ruling, but any such order must recite that a continued hearing has been set to consider additional relief (or, alternatively, that the movant no longer seeks additional relief and the Clerk's office is requested and directed to take the continued hearing off calendar).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

10:00 AM

**CONT... Dan Sohn**

**Chapter 13**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dan Sohn

Pro Se

**Movant(s):**

Lorraine Anderson

Represented By  
Lorraine Anderson

Premier Resources Hoover, Inc

Represented By  
Lorraine Anderson

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**2:17-12258 Fabian A Arroyo**

**Chapter 7**

**#1.00** Order to show cause re: Disgorgement

Docket 15

**Tentative Ruling:**

This court's tentative ruling is to discharge its order to show cause (dkt. 15, the "OSC"), for the reasons stated in the response to the OSC filed by the debtor's counsel (dkt. 18). Appearances are not required.

After the hearing date this court will prepare an order.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fabian A Arroyo

Represented By  
Marc A Goldbach

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**2:15-27931 Jose Mondragon**

**Chapter 7**

**#2.00** Cont'd hrg re: Motion to dismiss chapter 7 case pursuant to 11 U.S.C. section 707(b)(1) and (b)(2) and contingent motion to extend bar date for filing complaint under 11 U.S.C. section 727 objecting to debtor's discharge fr. 02/28/17

Docket 50

**\*\*\* VACATED \*\*\* REASON: Voluntary dismissal of motion filed on 03/16/2017 (dkt. 76)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Mondragon

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Peter J Mastan (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**2:16-20472 Brijido Vargas**

**Chapter 7**

Adv#: 2:16-01481 Mulhearn Realtors Inc v. Ruiz

**#3.00** Cont'd status conference re: Complaint to determine dischargeability of debt Pursuant to 11 U.S.C. § 523 of the Bankruptcy Code fr. 1/10/17

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Continue to 5/23/17 at 11:00 a.m. to provide the parties with additional time to engage in mandatory mediation, based on their late-filed joint status report (adv. dkt. 12). Appearances are not required on 4/4/17.

*Proposed scheduling order:* The plaintiff is directed to serve and lodge a proposed scheduling order via LOU within 7 days after the hearing date, memorializing the following:

No later than 4/11/17, the parties must (1) file an amended request for assignment to mediation program and (2) lodge a proposed order assigning matter to mediation with two new proposed mediators. If the parties do not file the request and lodge the proposed order by the deadline, this court may issue an order to show cause why this adversary proceeding should not be dismissed for failure to prosecute, and why counsel for the parties should not be sanctioned.

No later than 5/9/17, the parties must file a joint status report with the Court.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 1/10/17:**

Appearances required. The court has reviewed the filed documents and records in this adversary proceeding.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**CONT... Brijido Vargas**

**Chapter 7**

(1) Venue/jurisdiction/authority. The parties are directed to address (to the extent, if any, that the Status Report, dkt.6, does not already address) any outstanding matters of (a) venue, (b) jurisdiction, (c) this court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation. Is there is any reason why this court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below?

(3) Status report. Local Bankruptcy Rule 7016-1(a)(2) and (3) require that parties file a joint status report at least 14 days prior to the initial status conference, or individual status reports at least 7 days prior to the initial status conference. The belatedly filed status report (adv. dkt. 6) appears to reflect a lack of compliance by the debtor/defendant. Why?

(4) Deadlines: This adversary proceeding has been pending since 11/4/16. This court's tentative ruling is to continue this status conference to 4/4/17 at 11:00 a.m. to allow the parties time to pursue mediation. For scheduling purposes, the parties should be prepared to address (a) what factual issues raised in the debtor/defendant's answer (adv. dkt. 5) are actually likely to be in dispute, (b) whether they anticipate filing dispositive motions (motions for summary judgment etc.), and (c) whether the debtor/defendant anticipates seeking relief from the default judgment in the State courts and has any

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**CONT... Brijido Vargas**

**Chapter 7**

grounds to do so (subject to obtaining relief from the automatic stay, if required, to pursue any such relief).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brijido Vargas

Represented By  
Harriet L. Goldfarb

**Defendant(s):**

Sandra Ruiz

Pro Se

**Joint Debtor(s):**

Sandra Ruiz

Represented By  
Harriet L. Goldfarb

**Plaintiff(s):**

Mulhearn Realtors Inc

Represented By  
Michael C Bergkvist

**Trustee(s):**

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**2:12-45403 Fan Yang**

**Chapter 13**

Adv#: 2:16-01498 Western Union Financial Services, Inc. v. Yang

**#4.00** Cont'd status conference re: Complaint  
for non-dischargeability  
fr. 1/17/17

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

The court has reviewed the parties' joint status report (dkt. 9) and the other filed documents and records in this adversary proceeding.

(1) Venue/jurisdiction/authority. Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (dkt. 9).

(2) Mediation. Is there is any reason why this court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below?

(3) Deadlines: This adversary proceeding has been pending since 11/16/16. The current deadlines for this case are set forth in the scheduling order issued by this court on 1/31/17 (dkt. 7).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/17/17:**

Appearances required.

(1) Mediation. Is there is any reason why this court should not order the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**CONT...**

**Fan Yang**

**Chapter 13**

parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below?

(2) Venue/jurisdiction/authority.

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. See *generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). See *generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(3) Deadlines: This adversary proceeding has been pending since 11/16/16. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for completion of discovery): 5/25/17

Expert(s) - deadline for reports: 4/8/17

Expert(s) - discovery cutoff (if different from above): 4/22/17

Dispositive motions to be heard no later than: 6/6/17

Joint Status Report: 3/28/17

Continued status conference: 4/11/2017 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: 6/13/17

Pretrial conference: 6/27/17 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: 6/29/17 (for the format of exhibits and other trial procedures, please see Judge

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**CONT... Fan Yang Chapter 13**

Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "Trial Practice")

Trial commencement: 7/10/17 at 9:00 a.m.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fan Yang

Represented By  
Matthew D Resnik  
David Brian Lally

**Defendant(s):**

Fan Yang

Pro Se

**Plaintiff(s):**

Western Union Financial Services,

Represented By  
Ross A Spector

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

11:00 AM

**2:17-13228 Cardoza Vocational Enterprises, Inc**

**Chapter 7**

**#5.00 Order to Show Cause re: Dismissal**

Docket 7

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the debtor should be prepared to address the issues raised in this court's order to show cause (dkt. 7).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cardoza Vocational Enterprises, Inc	Pro Se
-------------------------------------	--------

**Trustee(s):**

Sam S Leslie (TR)	Pro Se
-------------------	--------

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:16-24151 Angelica Nario**

**Chapter 11**

**#1.00** Status conference re: Chapter 11 case

Docket 57

**Tentative Ruling:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Budget. Debtor's status report (dkt. 65) stated that the debtor planed to file a budget no later than 3/24/17, but none has been filed as of the time this tentative ruling has been prepared.

(b) Monthly operating reports (MORs). The debtor's MORs for December 2016 through February 2017 (dkt. 45, 49, 55) do not reflect any spending for food or other personal expenses. In addition, the debtor has not disclosed her non-filing husband's revenues and expenses as required by this court's and the U.S. Trustee's standard policies.

(c) Cash collateral. The debtor's interim order for the use of cash collateral (dkt. 63) and the debtor's status report (dkt. 65) state that the debtor recieves \$3,000 per month in rent from the Rolling Vista property, however the debtor's amended schedule I (dkt. 48) reports \$3,500 in total income from rental or other businesses. The debtor should be prepared to address this inconsistency.

(2) Deadlines/dates. This case was filed on 10/26/16 and converted from chapter 13 on 12/9/16.

(a) Bar date: 6/13/17 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: file by 8/13/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 5/23/17 at 1:00 p.m., no written status report is required.

\*Warning: special procedures apply (see order setting initial status



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...** Angelica Nario  
conference).

**Chapter 11**

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Angelica Nario

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:16-24151 Angelica Nario**

**Chapter 11**

**#2.00** Cont'd hrg re: Motion to Use Cash Collateral Re:  
(a) 26722 Rolling Vista Drive, Lomita, CA 90717  
(b) 15309 Purche Ave, Gardena, CA 90249  
fr. 1/31/17, 02/28/17

Docket 40

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

See tentative ruling for case status conference (4/4/17, 1:00 p.m., calendar no. 1).

**Tentative Ruling for 2/28/17:**

Continue to 4/4/17 at 1:00 p.m. to address the following issues. Appearances are not required on 2/28/17.

Reasons:

(1) Notice. This court's tentative ruling for 1/31/17 (reproduced below and adopted as this court's actual ruling at that hearing) set a deadline of 2/7/17 for the debtor to serve and file notice of this 2/28/17 hearing. The debtor failed to do so.

(2) Interim order. That same tentative ruling directed the debtor to lodge a proposed order within seven days. The debtor failed to do so.

The debtor is now directed to file and serve a notice of the final hearing set forth above no later than 3/14/17, and to lodge a proposed interim order no later than 3/1/17. Counsel is cautioned that continuing failure to comply with this court's orders may result in sanctions.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 1/31/17:**

Grant as set forth below. Appearances are not required.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT... Angelica Nario**

**Chapter 11**

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

The tentative ruling is to grant the cash collateral motion (dkt.40) on a temporary basis, and subject to the Standard Conditions set forth below.

The following are Judge Bason's standard conditions for (A) use of cash collateral or (B) postpetition financing by creditor(s) holding prepetition claim(s):

(1) Form of order.

(a) Any proposed order granting the motion shall include this tentative ruling as an exhibit, thereby adopting it as the written ruling of the court.

(b) Orders approving the use of cash collateral may be on local form F2081-1.1.ORDER.CASH.COLLATERAL.

(c) Rather than repeating any terms set forth in the motion or any stipulation, the proposed order must simply incorporate those terms by reference (including the docket number of the document) or simply grant the motion (except as modified in this tentative ruling or as otherwise directed by the court).

(2) Interim and final relief. Except as specifically provided in any order granting the motion, any initial relief shall be on an interim basis only, and shall be subject to modification at a final hearing to be noticed and held as follow:

Hearing: 2/28/17 at 1:00 p.m.

Deadline for debtor to serve and file notice of hearing: 2/7/17.

(3) Minimum adequate protection. In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be included in the motion or related papers, the debtor shall provide at least the following protection to any creditor with a security interest in the subject property, pursuant to 11 U.S.C. 361-364, as applicable:

(a) Insurance. The debtor is directed to maintain insurance on the property in a dollar amount at least equal to the debtor's good faith estimate of the value of such creditor's interest in any collateral that is

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT... Angelica Nario**

**Chapter 11**

typically insured, and such insurance shall name such creditor as an additional insured.

(b) Taxes. The debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. The debtor is directed to provide, upon such creditor's reasonable request, an accounting of postpetition rents, profits, and expenses, appropriate documentation of those things, and access for purposes of inspection or appraisal.

(d) Disputes. In the event of any disputes regarding the rulings herein, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact the chambers of Judge Bason to arrange a mutually convenient time for a telephonic hearing to address such disputes.

(4) Limitation on postpetition liens. In the event that the motion or related papers seek authority to grant postpetition liens to the creditor(s) *with respect to prepetition debts* any such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or the court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date, unless the order approving the motion not only states the new types of collateral but also includes a specific statement that such types of collateral are different from the prepetition collateral. For example, postpetition liens shall not extend to the proceeds of any avoidance actions, any recoveries under 11 U.S.C. 506 (c), or any "carveout" under 11 U.S.C. 552, unless the order approving the motion specifically states otherwise.

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any automatic perfection of such liens shall be subject to any applicable limitations regarding the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT... Angelica Nario**

**Chapter 11**

Court's authority, jurisdiction, or due process.

(5) Automatic disapproval of insufficiently disclosed provisions. Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either:

(a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively

(b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Angelica Nario

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey

**Movant(s):**

Angelica Nario

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:16-18455 Jose Luis Nunez Claver**

**Chapter 11**

**#3.00** Hrg re: Application for payment of interim fees  
and/or expenses filed by Anyama Law Firm

Docket 102

**Tentative Ruling:**

Grant. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Luis Nunez Claver

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:17-11722 Maria Elizabeth Roman**

**Chapter 11**

**#4.00** Hrg re: Motion in Individual Ch 11 Case for Order  
Pursuant to 11 U.S.C. Sec. 363 Setting Budget for  
Interim Use of Estate Property as Defined in 11  
U.S.C. Sec. 1115

Docket 19

**Tentative Ruling:**

See tentative ruling for the case status conference (4/4/17, 1:00 p.m.,  
calendar no. 5.1).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Elizabeth Roman

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:17-11722 Maria Elizabeth Roman**

**Chapter 11**

**#5.00** Hrg re: Motion for Setting Property Value for  
real property located at 4530 N. Glenvina Ave.,  
Covina, 91722

Docket 22

**Tentative Ruling:**

Appearances required. There is no tentative ruling, but the parties should be prepared to address (1) the appropriate date for valuation - Judge Bason has in the past require valuations *at or near the petition date* , contrary to the respondent's position (dkt. 28) (see *In re Gutierrez*, 503 B.R. 458 (Bankr. C.D. Cal. 2013)), and (2) how they propose to resolve their disputes regarding the fair market value of the subject property - e.g., (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Elizabeth Roman

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey  
Kevin Tang



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:17-11722 Maria Elizabeth Roman**

**Chapter 11**

**#5.10** Cont'd status conference re: Chapter 11 case  
fr. 3/21/17

Docket 0

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Budget motion. This court's tentative ruling is to grant the debtor's budget motion on an interim basis, through a continued hearing to be held on 5/9/17 at 1:00 p.m., with a deadline of 4/11/17 for the debtor to file amended bankruptcy schedules I & J that comply with the instructions on those forms to provide full disclosure of gross revenues, expenses, and net revenues from the non-debtor husband's business.

(b) Amended MOR/U.S. Trustee compliance. At the 3/21/17 case status conference, the debtor's counsel informed this court they the debtor would be filing an amended monthly operating report ("MOR") for February 2017. Additionally, the U.S. Trustee requested multiple documents and evidence from the debtor regarding various expenses and other aspects of the debtor's case. What is the status of the debtor's compliance with the U.S. Trustee's requests? Why has the debtor failed to file her amended February 2017 MOR?

(2) Deadlines/dates. This case was filed on 2/13/17.

(a) Bar date: 5/30/17 (timely served, dkt. 31).

(b) Plan/Disclosure Statement: file by 6/23/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 5/9/17 at 1:00 p.m. No written status report is required.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Maria Elizabeth Roman**

**Chapter 11**

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 3/21/17:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Cash collateral issues. The debtor lists a parcel of real property in her second amended Schedule A/B (dkt. 17, PDF p. 2), and a lessee of that property in her amended Schedule G (dkt. 17, PDF p. 12). She has also listed rental income in her amended Schedule I (dkt. 17, PDF p. 14), and two creditors holding claims secured by that real property in her Schedule D (dkt. 1, PDF p. 25). The foregoing notwithstanding, the debtor contends in her case status report that her secured lenders do not assert any interest in the rents collected from her real property, and that no motion for use of cash collateral is required (dkt. 20). Do neither of the lenders' security instruments include an assignment of rent clause?

(b) Income/expenses and the debtor's budget motion (dkt. . In response to item 8.a. of the debtor's amended Schedule I (dkt. 17, p. 14), the debtor reports \$2,750 in net income from rental property and from operating a business. In response to item 13, the debtor disclosed that she works part time as a social worker. The debtor did not, however, attach a detailed income and expense statement breaking down the \$2,750/mo. she allegedly receives in rent and business income. Additionally, in response to item 19 of her amended Schedule A/B, the debtor lists a 100% community property interest in her husband's restaurant business (dkt. 17, PDF p. 6), of which her husband is allegedly the sole shareholder, but she has not disclosed any income from that business in her amended Schedule I (dkt. 17, PDF p. 14), and it is not clear whether she has reported any income from the business in her amended Statement of Financial Affairs (dkt. 17, PDF pp. 17-18).

The contribution income allegedly received from the debtor's spouse's uncle for automobile payments (see dkt. 17, PDF p. 3) is not disclosed in the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT... Maria Elizabeth Roman**

**Chapter 11**

debtor's amended Schedule I.

The debtor lists three vehicles financed by her husband in her amended Schedule A/B, but lists only one automobile payment in her amended Schedule J (dkt. 17, PDF p. 16, item 17.a.).

(c) Unexpired leases. In her amended Schedule G, the debtor lists a sublease of \$150/month with landlord Maria Lopez (dkt. 17, PDF p. 12). What is this lease for? Does the debtor's husband's business lease space? If so, why is that lease not listed on amended Schedule G?

(d) Monthly Operating Report (dkt. 27, "MOR"). The MOR for February 2017 lists some cash transactions, but those do not appear to be consistent with the debtor's proposed budget, and it appears that the debtor is using cash rather than checks. Why?

(2) Deadlines/dates. This case was filed on 2/13/17.

(a) Bar date: 5/30/17 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: file by 6/23/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 4/25/17 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Elizabeth Roman

Represented By

Anthony Obehi Egbase

Crystle J Lindsey

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:16-21552 Antonio Pereyra Garcia**

**Chapter 11**

**#6.00** Cont'd Status Conference re: Chapter 11 Case  
fr. 9/27/16, 10/11/16, 11/8/16, 11/29/16, 1/10/17,  
02/28/17

Docket 7

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) February MOR (dkt. 85).

(i) Rental income. The debtor's monthly rent reported for February 2017 was just \$2,000, not \$4,000 as budgeted (see dkt. 74, Ex. A). In fact, February is the third month in a row in which the debtor has received less than the budgeted amount of monthly rental income (\$2,462.56 in January (dkt. 81); \$3,450 in December (dkt. 73)). What is the debtor's explanation for this shortfall?

(ii) Insurance. The debtor's general liability insurance was paid through 3/25/17; has the debtor renewed that insurance?

(b) Negotiations with Ocwen. Based on the debtor's status report (dkt. 86) the debtor and Ocwen may have reached an agreement as to treatment of the creditor, and the debtor seeks a continued deadline to file an amended plan and disclosure statement. The tentative deadline is set forth below.

(2) Deadlines/dates. This case was filed on 8/30/16.

(a) Bar date: 2/7/17 (timely served, dkt. 60).

(b) Plan/Disclosure Statement\*: file by 4/25/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 5/9/17 at 1:00 p.m. No written status report is required.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Antonio Pereyra Garcia**

**Chapter 11**

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Revised Tentative Ruling for 2/28/17:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

**(1) Current issues.**

(a) Plan feasibility. The debtor's January 2017 MOR shows \$4,846 unpaid adequate protection payments to Ocwen Loan Servicing, and vehicle insurance due to expire 2/2/17. See dkt. 80, PDF p. 7. In light of these facts, how can this court find the debtor's proposed chapter 11 plan is feasible?

(b) Proposed chapter 11 plan (dkt. 78) and disclosure statement (dkt. 77). The debtor's chapter 11 plan proposes to pay the first deed of trust holder at 4% interest over 360 months. Does it make sense to authorize the debtor to mail the voting package and solicit votes before knowing if the debtor will have to adjust those amounts?

The plan proposes to pay creditor Deardens at an interest rate of 29.99% over 12 months. The debtor's counsel should be prepared to address why this exorbitant rate of interest is appropriate.

Exhibit H to the debtor's disclosure statement includes multiple instances of redundant information, which is confusing and can lead to inconsistencies.

**(2) Deadlines/dates.** This case was filed on 8/30/16.

(a) Bar date: 2/7/17 (timely served, dkt. 60).

(b) Amended Plan/Disclosure Statement (dkt. 78, 77)\*: If the issues noted above are resolved, the tentative ruling is to set the following deadlines: 3/3/17 to file (NOT SERVE - except on the U.S. Trustee) any redlined revisions to be discussed at the status conference and lodge Judge Bason's form of order authorizing service of the voting package, setting deadlines, and

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Antonio Pereyra Garcia**

**Chapter 11**

setting a combined hearing on approval of the Disclosure Statement and confirmation of the Plan for the same time as the continued status conference.

(c) Continued status conference: 4/4/17 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 2/28/17:**

This court anticipates posting a tentative ruling at a later time.

**Tentative Ruling for 1/10/17:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Budget motion. This court has reviewed the debtor's amended budget motion (dkt. 70). The debtor's proposed transportation budget is scheduled to increase from \$100/mo. in December 2016 to \$360/mo. in January and February 2017. What is the reason for this significant increase?

If this court is satisfied by the debtor's explanation at the hearing, this court's tentative ruling is to approve the budget motion on a final basis.

(2) Deadlines/dates. This case was filed on 8/30/16.

(a) Bar date: 2/7/17 (timely served, dkt. 60).

(b) Plan/Disclosure Statement\*: file by 2/14/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 2/28/17 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**      **Antonio Pereyra Garcia**  
conference).

**Chapter 11**

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/29/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Cash collateral motion. This court's tentative ruling is to approve the cash collateral motion on a final basis, on the same conditions established for interim use of cash collateral (dkt. 46).

(b) Budget motion (dkt. 21). At the hearing on 10/11/16, and in the order temporarily granting the motion (dkt. 47), this court noted various problems with the budget motion which were only partially addressed by counsel at that hearing. As of the time when this tentative ruling has been prepared, the docket does not reflect any supplemental declaration or amended motion addressing those issues. In addition, the actual expenses listed on the recent Monthly Operating Reports ("MORs" dkt. 48, 56) are much lower than the budget, and the debtor does not appear to have monthly income for October, 2016 (his budgeted income, from his job as a cashier, is \$1,922.57), all of which causes this court to question whether the debtor (i) is capable of proposing a feasible chapter 11 plan and (ii) is accurately reporting all information.

(c) Bar date order. On 10/14/16, this court entered the order setting the bar date in this case (dkt. 50) which directed the debtor to serve a copy of that order on all parties in interest by 10/21/16. As of the time when this tentative ruling has been prepared, the docket does not reflect any proof of service. The tentative ruling is to impose sanctions of \$200 on counsel for failing to comply with this order. In addition, if this case is not dismissed or converted, the tentative ruling is to issue an order setting a new bar date

(2) Deadlines/dates. This case was filed on 8/30/16. If this case is not dismissed or converted, the tentative ruling is to set the following:



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Antonio Pereyra Garcia**

**Chapter 11**

- (a) Bar date: new date of 2/7/17.
  - (b) Plan/Disclosure Statement\*: file by 2/14/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
  - (c) Continued status conference: 1/10/17 at 1:00 p.m. No written status report is required.
- \*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 10/11/16:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Chapter 11 v. Chapter 13. At the 9/27/16 case status conference, the U.S. Trustee was requested to investigate whether the filing of this case under chapter 11, rather than chapter 13, was appropriate. What are the results, if any, of the U.S. Trustee's investigation?

(b) Budget motion. First, it appears that the debtor's creditors have received conflicting notice of the deadline for oppositions to the motion. The debtor's notice of hearing on the budget motion (dkt. 31) incorrectly advised creditors that the motion was being heard on regular notice, with oppositions due 14 days prior to the hearing. The debtor's creditors were also served with a copy of this court's order setting this matter on shortened notice (dkt. 27, 33), which set 10/6/16 as the deadline for oppositions to the budget motion. For this reason, this court will permit creditors to submit their oppositions to the budget motion orally at the hearing.

Second, this court has concerns regarding some of the expenses listed (or, in some cases, not listed) on the debtor's proposed budget. The debtor lists his residential address at 1352 E. 71st Street, Los Angeles, CA 90001. That is not the address of his real property, which he rents to a third party.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Antonio Pereyra Garcia**

**Chapter 11**

Yet, the debtor lists no monthly payments for rent for his residence. How is it that the debtor has no monthly rent expense?

Additionally, the debtor listed monthly payments of \$164 on the secured claim held by Deardens in his Schedule D (dkt. 1, p. 23). What is the debtor's position regarding this claim and what payments must or must not be made?

Finally, the debtor lists a 1992 Chevy Suburban in his Schedule B, but lists no monthly expenses for vehicle insurance. Is that vehicle not insured?

(2) Deadlines/dates. This case was filed on 8/30/16.

(a) Bar date: 12/1/17 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: file by 12/13/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 11/8/16 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 9/27/16:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues

(a) Chapter 11 vs. Chapter 13. Why is this case in chapter 11 instead of chapter 13? It appears that the debtor is within the debt limits for chapter 13, and chapter 11 typically is far more expensive, so it seems doubtful that the debtor needs or can afford a chapter 11 case.

(b) Cash collateral and budget motions. In his case status report (dkt. 15), the debtor states his intention to file his cash collateral and budget motions no later than 9/16/16. Does any creditor have a security interest in

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Antonio Pereyra Garcia**

**Chapter 11**

the rents received from the rental property (or any other cash collateral)? If so, has the debtor been using cash collateral without court authority? As of the preparation of this tentative ruling (9/20/16), no cash collateral or budget motions have been filed. Why not?

(c) Status Report (dkt. 15). The debtor fails to say what caused the bankruptcy, and the principal financial and legal issues that he forsee. Presumably he lost a job or other income, fell behind in mortgage payments, moved out of his principal residence and rented it out to increase monthly cash flow, and will propose to cure arrears over time while maintaining regular monthly mortgage payments (perhaps on different terms). Is that so?

(2) Deadlines/dates. This case was filed on 8/30/16. If this court decides not to convert this case to another chapter, the debtor should be prepared to discuss relevant dates and deadlines, including a proposed claims bar date, a deadline for the filing of a chapter 11 plan and disclosure statement and a continued status conference date and time.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Antonio Pereyra Garcia

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:16-12678 Ceola Vivian Morgan**

**Chapter 11**

**#7.00** Cont'd status conference re: Chapter 11 Case  
fr. 02/28/17

Docket 75

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

This court's tentative ruling is to dismiss the debtor's case with a 180-day bar to her being a debtor in any chapter under the Bankruptcy Code for a period of 180 days from the date of entry of the order dismissing her case, for her willful failure to appear in proper prosecution of her case pursuant to 11 U.S.C. 109(g)(1), with a judgment in favor of the U.S. Trustee for any fees owing. Appearances are not required.

*Proposed order:* The U.S. Trustee is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

*Reasons for dismissal and bar:* At the 2/28/17 case status conference, this court raised a number of issues regarding the debtor's case (see 2/28/17 tentative ruling, reproduced below), and directed the debtor to, among other things, (1) work with the U.S. Trustee's office to resolve the issues surrounding counsel's employment application, and (2) file a budget motion and amended schedules I and J to reflect the debtor's business income and expenses. Since that hearing, based on this court's review of the case docket, the debtor has not addressed either of those issues.

In addition, this court's bar date order (dkt. 84) directed the debtor to serve a copy of that order on all parties in interest no later than 3/7/17. The docket does not reflect any proof of service.

Furthermore, the debtor's February 2017 MOR reflects a number of additional problems. First, it appears that although the debtor opened debtor in possession accounts with Union Bank on 2/10/17, the debtor continues to use her OneWest bank account for all of her banking. Second, records from her

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Ceola Vivian Morgan**

**Chapter 11**

OneWest account still do not sufficiently break down her monthly expenses: a \$1,000 petty cash entry attributed to "miscellaneous bills/groceries/personal care" is not adequate disclosure. Third, the debtor incurred multiple fees for insufficient funds in February, a sign that the debtor is mismanaging her estate. Fourth, the MOR appears to indicate that the U.S. Trustee has not been paid quarterly fees owed. Finally, the debtor's signature on both the January and February MORs are undated, raising the concern of this court that the debtor is not actually reviewing her MORs before they are filed, but that instead her counsel is simply re-using the same signature page each month.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Revised Tentative Ruling for 2/28/17:**

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Financial disclosures. The debtor must fully disclose all financial information pertaining to her business(es) in:

(I) her bankruptcy schedules I and J (which she has failed to do, see dkt. 31, at PDF pp. 30-31, line 8a, which ignores the instruction to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income,");

(II) her monthly operating reports ("MORs") (none filed as of 2/19/17) (see Order, dkt. 74, para.3);

(III) any disclosure statement in support of a proposed plan of reorganization, and any other financial documents (see *id.*).

(b) MORs. This case was converted to chapter 11 on 1/3/17 (dkt. 67). Accordingly, the debtor should have filed an MOR for the month of January 2017 no later than 2/15/17. This court has reviewed the case docket, and it appears no such MOR has been filed. Why has the debtor not yet filed her January 2017 MOR?

(c) Budget motion. In the debtor's case status report (dkt. 81), the

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Ceola Vivian Morgan**

**Chapter 11**

debtor describes certain bookkeeping practices she has adopted, but she has not explained why she has not yet filed a budget motion (the debtor's counsel is advised that this court requires the use of Local Form F 2081-2.2.MOTION.BUDGET). When does the debtor intend to file her budget motion?

(d) Retainer from third party. According to the debtor's declaration in support of the employment application (dkt. 79, p.8) the debtor's daughter has paid proposed counsel \$2,000. Oddly, this is not disclosed in the Rule 2014 disclosures filed by proposed counsel (dkt. 79 at PDF pp.9, question 3 re sources of payment). In addition, this payment raises ethical issues:

(i) Connections. Has the debtor's daughter received any transfers that could be construed as fraudulent transfers or otherwise may be avoidable? Has she participated in any joint venture with the debtor (apart from being an employee of the debtor's business)? Are there any other connections (apart from being the debtor's daughter)?

(ii) Terms. What are the precise agreements, understandings or expectations regarding the funds -- e.g., are the funds a loan, a gift, an investment, or something else?

(iii) Informed consent of funder. Has the debtor's daughter been advised regarding actual and potential conflicts of interest, and that the sole attorney-client relationship and duty of loyalty is with the debtor, not the daughter? Who provided such advice: independent counsel, or the debtor's proposed counsel? Has the debtor's daughter given her informed consent? Are those things in writing?

(iv) Informed consent of debtor. Has the debtor likewise been fully advised and given informed consent? Who provided such advice? Are these things in writing?

(v) Other considerations. Has proposed counsel demonstrated or represented to this court the absence of an actual or potential conflict, a lack of disinterestedness, or any other basis for disqualification? See *In re Kelton Motors, Inc.*, 109 B.R. 641 (Bankr. D. Vt. 1989); *In re Hathaway Ranch Partnership*, 116 B.R. 208, 219 (Bankr. C.D. Cal. 1990); *In re Park-Helena Corp.*, 63 F.3d 877 (9th Cir. 1995).

(2) Deadlines/dates. This case was filed on 3/3/16 and converted from chapter 13 on 1/3/17.

(a) Bar date: 5/8/17 (DO NOT SERVE notice yet - court will prepare

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Ceola Vivian Morgan**

**Chapter 11**

*an order after the status conference).*

(b) Plan/Disclosure Statement\*: file by 6/5/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 4/4/17 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 2/28/17:**

This court anticipates posting a tentative ruling at a later time.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ceola Vivian Morgan

Represented By

Michael Avanesian

W. Sloan Youkstetter

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**2:16-25956 Boris Irwin Sallus and Sandra Lewise Sallus**

**Chapter 11**

**#8.00** Cont'd status conference re: Chapter 11 Case  
fr. 1/17/17, 1/31/17, 02/28/17

Docket 7

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

As requested by the debtors in their status report (dkt. 61), this court's tentative ruling is to dismiss this case without prejudice. The dismissal will include a judgement for any unpaid US Trustee fees. Appearances are not required.

*Proposed order:* The debtors are directed to serve and lodge a proposed order dismissing their case via LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 2/28/17:**

Continue to 4/4/17 at 1:00 p.m. for the reasons set forth in the debtors' status report (dkt. 58). Appearances are not required on 2/28/17.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 1/31/17:**

Appearances required by counsel for the debtors and by the debtors themselves.

**(1) Current issues.**

(a) U.S. Trustee motion to dismiss (dkt. 21). The parties should be prepared to address whether the debtors are in compliance. See Opp. (dkt. 42).

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Boris Irwin Sallus and Sandra Lewise Sallus**

**Chapter 11**

(b) Sale motion (dkt. 33). The debtors should be prepared to address the anticipated impact of the sale of their residence on this bankruptcy case. Do the debtors intend to propose a plan of reorganization, or will the sale proceeds be sufficient to pay off all of the debtors' creditors in full?

(2) Deadlines/dates. This case was filed on 12/5/16.

(a) Bar date: 3/1/17 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement\*: file by 6/1/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 2/28/17 at 1:00 p.m. No written status report is required.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 1/17/17:**

Continue to 1/31/17 at 1:00 p.m. to be heard concurrently with the U.S. Trustee's motion to dismiss this case (dkt. 21). Appearances are not required on 1/17/17.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Boris Irwin Sallus

Represented By  
Peter T Steinberg

**Joint Debtor(s):**

Sandra Lewise Sallus

Represented By



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

1:00 PM

**CONT...**

**Boris Irwin Sallus and Sandra Lewise Sallus**

Peter T Steinberg

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**2:16-25483 Riverwood Gas and Oil LLC**

**Chapter 11**

**#1.00** Cont'd Status Conference Re: Chapter 11 Case  
fr. 11/29/16, 12/13/16, 1/10/17, 2/7/17

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Status report. This court's previous tentative ruling (reproduced below) directed the debtor to file a status report by 3/14/17. Why has no such status report been filed?

(b) Exit strategy. What is the debtor's exit strategy, and what progress has been made toward that goal?

(2) Deadlines/dates. This case was filed on 11/23/16. If this case is not converted or dismissed, the tentative ruling is to set the following:

(a) Bar date\*: to be set during the status conference.

(b) Plan/Disclosure Statement\*: same.

(c) Continued status conference: 5/23/17 at 2:00 p.m., status report due 5/9/17.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 2/7/17:**

Continue to 4/4/17 at 2:00 p.m., status report due 3/14/17. No appearances are required on 2/7/17.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT... Riverwood Gas and Oil LLC**

**Chapter 11**

**(1) Current issues**

This case was filed on 11/23/16. The debtor's status report (dkt. 34) states that the debtor intends to retain special counsel, and the monthly operating reports (dkt. 37, 38) appear to show no activity other than opening DIP bank accounts and paying associated fees. Although progress in this case has been slow, it does not appear efficient to hold a status conference at this time. If substantially more progress is not shown by the next status conference, this court may dismiss this case for failure to appear in proper prosecution. See 11 U.S.C. 109(g)(1), 349.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 1/10/17:**

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

**(1) Current issues.**

(a) Substitution of attorney. On 12/23/16, the debtor filed a substitution of attorney (dkt. 22) reflecting that current proposed counsel is Giovanni Orantes, Esq. Why has no employment application been filed?

(b) Exit strategy. What is the debtor's exit strategy, and what progress has been made toward that goal?

**(2) Deadlines/dates.** This case was filed on 11/23/16. If this case is not converted or dismissed, the tentative ruling is to set the following:

(a) Bar date\*: to be set during the status conference.

(b) Plan/Disclosure Statement\*: same.

(c) Continued status conference: 2/7/17 at 2:00 p.m., status report due 1/24/17.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT...**      **Riverwood Gas and Oil LLC**  
disposition at this hearing.

**Chapter 11**

**Tentative Ruling for 12/13/16:**  
Appearances required.

(1) Current issues

Counsel for the debtor should be prepared to address why no status report has been filed (see dkt. 3); why the docket does not reflect that anything has been done in this case to date; and why this court should not convert or dismiss this case.

(2) Deadlines/dates. This case was filed on 11/23/16. If this case is not converted or dismissed, the tentative ruling is to set the following:

- (a) Bar date\*: to be set during the status conference.
- (b) Plan/Disclosure Statement\*: same.
- (c) Continued status conference: 2/7/17 at 2:00 p.m., status report due 1/24/17.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Tentative Ruling for 11/29/16:**

Appearances required by counsel for the debtor and by the debtor(s) themselves, pursuant to the order setting this status conference (dkt. 3).

(1) Current issues.

(a) First Day Motions. The debtor should be prepared to address the necessity of first day motions such as cash collateral, payroll, utilities, etc. To the extent that those motions are necessary, why have they not yet been filed?

(2) Deadlines/dates. This case was filed on 11/23/16.

- (a) Bar date\*: to be set at the continued status conference.
- (b) Plan/Disclosure Statement\*: same.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT...**

**Riverwood Gas and Oil LLC**

**Chapter 11**

(c) Continued status conference: 12/13/16 at 2:00 p.m., initial status report due 11/29/16.

\*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Riverwood Gas and Oil LLC

Represented By  
Joseph M Hoats

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**2:16-11016 Silvia Parker**

**Chapter 7**

**#2.00** Hrg re: Motion of attorney Glenn Ward Calsada  
to withdraw as counsel of record for creditor and  
plaintiff Hiu Cheung Lau

Docket 135

**Tentative Ruling:**

Grant. Appearances are not required.

*Proposed order:* Movant is directed to serve and lodge a proposed order via  
LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's  
Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative  
rulings".

<b>Party Information</b>
--------------------------

**Debtor(s):**

Silvia Parker

Represented By  
Michael D Luppi

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**2:16-11016 Silvia Parker**

**Chapter 7**

**#3.00** Hrg re: Motion To (1) Approve Settlement Between The  
Chapter 7 Trustee And Hiu Cheung Lau; And (2) Enter an  
Order Enforcing The Settlement Agreement

Docket 138

**Tentative Ruling:**

See tentative ruling for adversary proceeding status conference (4/4/17, 2:00  
p.m., calendar no. 7).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Silvia Parker

Represented By  
Michael D Luppi

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**2:16-11016 Silvia Parker**

**Chapter 13**

**#4.00** Cont'd hrg re: Objection to Claim Number 3  
by Claimant Hiu Cheung Lau  
fr. 07/28/16, 8/9/16, 10/25/16, 11/08/16, 2/21/17

Docket 48

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

See tentative ruling for adversary proceeding status conference (4/4/17, 2:00 p.m., calendar no. 7).

**Tentative Ruling for 2/21/17:**

See tentative ruling for adversary proceeding status conference (2/21/17, 2:00 p.m., calendar no. 4).

**Tentative Ruling for 11/8/16:**

See tentative ruling for chapter 7 case status conference (11/8/16, 2:00 p.m., calendar no. 13).

**Tentative Ruling for 8/9/16:**

See tentative ruling for emergency motion (8/9/16, 2:00 p.m., calendar no. 9).

**Tentative Ruling for 7/28/16:**

This court anticipates posting a tentative ruling at a later time.

<b>Party Information</b>
--------------------------

**Creditor(s):**

Hiu Cheung Lau

Represented By  
Glenn Ward Calsada

William B. Wright

Represented By  
Carol G Unruh



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT... Silvia Parker**

**Chapter 13**

**Debtor(s):**

Silvia Parker

Represented By  
Michael D Luppi

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**2:16-11016 Silvia Parker**

**Chapter 7**

**#5.00** Cont'd Status Conference Re: Chapter 7 Case  
fr. 11/8/16, 02/21/17

Docket 1

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

See tentative ruling for adversary proceeding status conference (4/4/17, 2:00 p.m., calendar no. 7).

**Tentative Ruling for 2/21/17:**

See tentative ruling for adversary proceeding status conference (2/21/17, 2:00 p.m., calendar no. 4).

**Revised Tentative Ruling for 11/8/16:**

Based on the parties' stipulations (a) to continue the hearings on the claim objection and motion to dismiss the adversary proceeding to 2/21/17 at 2:00 p.m. (adv. dkt. 21) and (b) to transfer the net proceeds of sale to the Chapter 7 Trustee to hold pending resolution of the parties' disputes (case dkt. 105), the tentative ruling is (1) to continue this status conference to 2/21/17 at 2:00 p.m. and (2) not to order mediation at this time, because the parties report that they have discussed settlement and may be able to settle this matter (without the aid of mediation) depending on what claims are filed.  
Appearances are not required on 11/8/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**Tentative Ruling for 11/8/16:**

Appearances required. There is no tentative ruling, but the parties including the Chapter 7 Trustee should be prepared to address the status of their negotiations, if any, regarding the proceeds from the sale of the debtor's real property, as well as their intentions with regard to the objection to proof of claim 3-1 filed by the debtor prior to conversion of this case to chapter 7 (dkt.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT...**      **Silvia Parker**  
48).

**Chapter 7**

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Silvia Parker

Represented By  
Michael D Luppi

**Trustee(s):**

Peter J Mastan (TR)

Represented By  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**2:16-11016 Silvia Parker**

**Chapter 7**

Adv#: 2:16-01321 Lau v. Parker

**#6.00** Cont'd hrg re: Motion to dismiss complaint to determine the nature, extent, validity and priority of plaintiff's interest in property, for adequate conversion, for intentional interference with contract and for rejection damages  
fr. 9/13/16, 11/08/16, 2/21/17

Docket 7

**Tentative Ruling:**

**Tentative Ruling for 4/4/17:**

See tentative ruling for adversary proceeding status conference (4/4/17, 2:00 p.m., calendar no. 7).

**Tentative Ruling for 2/21/17:**

See tentative ruling for adversary proceeding status conference (2/21/17, 2:00 p.m., calendar no. 4).

**Tentative Ruling for 11/8/16:**

See tentative ruling for adversary proceeding status conference (11/8/16, 2:00 p.m., calendar no. 11).

**Tentative Ruling for 9/13/16:**

Continue to 11/8/16 at 2:00 p.m. to be heard concurrently with the continued hearing on the defendant's objection to claim 3-1, the plaintiff's emergency motion re: sale proceeds, and the status conference in this adversary proceeding. Appearances are not required on 9/13/16.

No later than 9/16/16, the plaintiff's counsel must file and serve notice of the continued hearing, as well as notice of the continued hearings on the above-referenced matters from 10/25/16 at 2:00 p.m. to 11/8/16 at 2:00 p.m.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "tentative rulings".

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT... Silvia Parker**

**Chapter 7**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Silvia Parker

Represented By  
Michael D Luppi

**Defendant(s):**

Silvia Parker

Represented By  
Michael D Luppi

**Plaintiff(s):**

Hiu Cheung Lau

Represented By  
Glenn Ward Calsada

**Trustee(s):**

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**2:16-11016 Silvia Parker**

**Chapter 13**

Adv#: 2:16-01321 Lau v. Parker

**#7.00** Cont'd status conference re: Complaint to determine the nature, extent, validity and priority of plaintiff's interest in property, for equitable conversion, for intentional interference with contract and for rejection damages  
fr. 10/25/16, 11/08/16, 2/21/17

Docket 1

**Tentative Ruling:**

**Revised Tentative Ruling for 4/4/17:**

Appearances required. The tentative findings of fact and conclusions of law are as follows:

(1) Settlement standards. In evaluating a proposed settlement a bankruptcy court is not required to hold a mini-trial (which would, after all, largely defeat the purpose of settlements). Settlements are highly favored. See, e.g., *In re PG&E*, 304 B.R. 395, 416-17 (Bankr. N.D. Cal. 2004). The tentative ruling is that the Chapter 7 Trustee is correct that, both under section 6.1 of this court's Third Amended General Order No. 95-1 (the "Mediation Order") and under Rule 408 (Fed. R. Evid.), Mr. Lau is barred from presenting any evidence of the settlement discussions in the mediation proceedings. In addition, the tentative ruling is that for this reason Mr. Lau cannot meet his burden of proof in attempting to challenge the settlement agreement.

(2) As between Mr. Lau and the bankruptcy estate, the bankruptcy estate has a sufficient basis for equitable ownership of the \$75,000 deposited with Arch, pursuant to the settlement agreement. On the present record it is uncertain what would be the outcome of a dispute as between the bankruptcy estate and Mr. Lau as to Mr. Lau's claim for damages and the parties' claims for ownership of the \$75,000 deposited Arch Escrow Corporation ("Arch"). But there is a sufficient basis for the settlement agreement to include the parties' agreement that the estate owns the \$75,000 funds and that Mr. Lau may have a \$173,000 claim.

By way of background, in 2014, when Mr. Parker entered into his

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT...**

**Silvia Parker**

**Chapter 13**

agreement with Mr. Lau for the sale of the property, it is doubtful that he could perform. First, there were numerous code violations. Second and alternatively, he attempted to sell the property without the consent of Mrs. Parker (the debtor) who very likely had at least a partial interest in the property, despite the fact that according to the real estate records it was held as his separate property, because under California's community property laws the funds used to make the mortgage payments typically are deemed to belong to both spouses.

In addition, it is possible that Mr. Parker had a basis to cancel escrow due to Mr. Lau's failure to deposit the rest of the purchase price, or for other reasons.

For each of these reasons, it is possible that Mr. Lau had no basis to seek specific performance or, alternatively, his anticipated profits - *i.e.*, the difference between the agreed sale price to him and the actual value of the property. Nevertheless, under the settlement agreement (dkt. 138, Ex.1) the parties agree that Mr. Lau has a claim for those \$173,000 of anticipated profits. The only apparent basis for such a claim would be that Mr. Lau would have been deemed to be the equitable owner of the property, and part and parcel of any such presumption would be that the estate would be deemed to be the equitable owner of the \$75,000 that Mr. Lau had deposited with Arch.

Put differently, the settlement agreement provides that Mr. Lau cannot have it both ways: he cannot both obtain his full profit as if he had purchased the property and yet also obtain a return of his security deposit as if he had not purchased the property. Consistent with that approach, when Mr. Lau entered into the settlement agreement he expressly agreed that the \$75,000 "constitutes property of the [bankruptcy estate]" (case dkt. 138, Ex.1, p. 2, sec. 3.1).

(3) Nevertheless, as between the bankruptcy estate and Mr. Wright, Mr. Wright owns the \$75,000. Notwithstanding the foregoing, the tentative ruling is that Mr. Wright is entitled to the \$75,000 on deposit with Arch pursuant to the 8/29/16 letter from Mr. Lau to Arch which transferred ownership of those funds to him. Case dkt. 142, Ex.B, at PDF p. 10. The Chapter 7 Trustee has not cited any authority that the debtor/estate's equitable ownership of the \$75,000 is binding as against third parties *without notice*; nor has he provided evidence the Mr. Wright did in fact have notice of the equitable transfer of the \$75,000. This court is also concerned that any such priority (without notice) might be disruptive to escrow practices. For all

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT... Silvia Parker**

**Chapter 13**

of these reasons, the tentative ruling is that Mr. Wright is entitled to the \$75,000 deposited with Arch.

(4) The effect on the settlement agreement and the parties. In view of the foregoing, one approach would be to hold that the settlement agreement is a dead letter due to failure of consideration, or fraud by Mr. Lau, or under other doctrines. But an alternative approach would be (a) to approve the settlement agreement, with the caveat that Mr. Lau has breached it from its inception and/or committed a fraud on the other parties to that agreement and the bankruptcy estate, and (b) hold that under the same equitable ownership principles cited by the parties (e.g., at *dk.* 147 pp. 3:27-4:9), the bankruptcy estate owns \$75,000 out of the \$173,000 that otherwise would be distributed to Mr. Lau.

(5) Procedural issues. The parties should be prepared to address whether any of the foregoing requires the commencement of an adversary proceeding by the Chapter 7 Trustee for declaratory and/or equitable relief under the settlement agreement, or whether an adversary proceeding is required for any other reason. In addition, the parties should be prepared to address whether Mr. Lau will be able to raise any factual issues or if, because of the sanctity of settlement discussions, he would could not prevail in any such proceeding as a matter of law. The parties should also address possible attorney fees - both as a matter of sanctions and as possible expenses to the bankruptcy estate and the parties to the settlement agreement and Mr. Wright.

(6) Conclusion. Mr. Lau entered into a deal with Mr. Parker that was "too good to be true." Nevertheless, under the settlement agreement (if it is approved) he will receive the *maximum* anticipated profit he would be likely to be able to claim if he had purchased the property (\$173,000). But in exchange he was to give up the security deposit that he would not have received back if he had completed the purchase (the \$75,000). It seems appropriate that he should be held to that agreement, and receive a net \$98,000 (subject to the charging lien of his attorney Mr. Calsada, and any other proper charges). If he chooses to do otherwise, he may end up in a far worse position.

**Tentative Ruling for 4/4/17:**

This court anticipates posting a tentative ruling at a later time.



**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT... Silvia Parker**

**Chapter 13**

**Tentative Ruling for 2/21/17:**

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), "Judges," "Bason, N.", "Instructions/Procedures").

There is no tentative ruling, but the parties should be prepared to address the outcome of their 2/17/17 mediation (see adv. dkt. 30). If no settlement, the parties should be prepared to discuss relevant deadlines to be set at the hearing.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

**Revised Tentative Ruling for 11/8/16:**

See tentative ruling for adversary proceeding status conference (11/8/16, 2:00 p.m., calendar no. 11).

**Tentative Ruling for 11/8/16:**

Appearances required. The tentative ruling is to order mediation for the plaintiff, defendant, and the Chapter 7 Trustee (without, at this time, determining what interest the chapter 7 debtor retains in this matter, or whether the Chapter 7 Trustee is a legally necessary party, or any other legal or factual issues).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Silvia Parker

Represented By  
Michael D Luppi

**Defendant(s):**

Silvia Parker

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Tuesday, April 04, 2017**

**Hearing Room 1545**

2:00 PM

**CONT... Silvia Parker**

**Chapter 13**

**Plaintiff(s):**

Hiu Cheung Lau

Represented By  
Glenn Ward Calsada

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se